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| |) | |
| THOMAS HEYER |) | |
| and ROBERT BOYD, |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | Civil Action No. 5:11-CT-3118-D |
| |) | |
| UNITED STATES BUREAU OF PRISONS <i>et al.</i> , |) | |
| |) | |
| |) | |

Plaintiffs Thomas Heyer and Robert Boyd (“Plaintiffs”) hereby move for summary judgment under Fed. R. Civ. P. 56(a) as to Count II of the First Amended Complaint (“FAC”) for Violation of the Constitution of the United States—Due Process Against All Defendants (Fifth Amendment—Deprivation of Liberty In Civil Commitment). Because there are no genuine disputes as to any material facts in connection with Count II, and Plaintiffs are entitled to judgment as a matter of law, the Court should enter summary judgment on Count II in favor of Plaintiffs. A memorandum in support of this motion is being filed contemporaneously herewith.

Dated: July 19, 2012

Respectfully Submitted,

/s/ Neil A. Riemann

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*Counsel for Plaintiffs Thomas Heyer and
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CERTIFICATE OF SERVICE

I hereby certify that today, July 19, 2012, I electronically filed the foregoing using the Court's CM/ECF system, which caused true and correct copy of the foregoing to be served on all counsel of record.

Date: July 19, 2012

/s/ Ian S. Hoffman